

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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GMAC MORTGAGE LLC  
f/k/a GMAC MORTGAGE CORPORATION,

Plaintiff,

v.

SOUTHPORT BANK,

Defendant.

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CIVIL ACTION

No. 13-4950

**ORDER**

**AND NOW**, this 9th day of April, 2015, upon consideration of the parties' Cross-Motions for Summary Judgment, and the Responses, Replies, and Supplemental Briefing thereto, it is hereby **ORDERED** that:

1. Southport Bank's Motion for Summary Judgment (Doc. No. 37) is **DENIED**;
2. GMAC Mortgage LLC's Motion for Summary Judgment (Doc. No. 39) is **GRANTED**; and
3. According to the terms of the Correspondent Agreement, GMAC Mortgage LLC, as the prevailing party, is entitled to its costs, plus reasonable attorneys' fees and costs incurred in this action. (See Agreement ¶ 11.) Consequently, Southport's counterclaim for attorneys' fees and costs is **DISMISSED**. GMAC Mortgage LLC shall file documentation supporting its request for costs and attorneys' fees on or before **April 23, 2015**, and Southport Bank shall file any response thereto on or before **May 7, 2015**.

BY THE COURT:

/s/ Robert F. Kelly  
ROBERT F. KELLY  
SENIOR JUDGE